

12-12-02

Docket No.: PF-0356-4 CPA

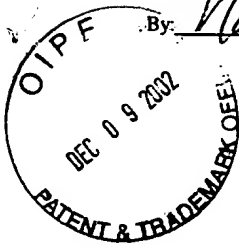
CPA
#14
12/31/02

"Express Mail" mailing label number EV 223 223 899 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box CPA, Washington, D.C. 20231 on December 9, 2002.

Certificate of Mailing

By: Nancy Ramos

Printed: Nancy Ramos



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL
(Large Entity)

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

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DEC 17 2002

TECH CENTER 1600/2900

Commissioner for Patents
Box CPA
Washington, D.C. 20231

INVENTOR(S)/APPLICANT(S)
Lal et al.
TITLE OF THE INVENTION
HUMAN REGULATORY MOLECULES
This is a request for filing a Continuation application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number <u>09/840,787</u> , filed on <u>September 26, 2001</u> .
<input type="checkbox"/> Enter the unentered amendment previously filed on _____, under 37 CFR 1.116 in the prior nonprovisional application.
<input type="checkbox"/> This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.53(d), the Commissioner is requested to delete the name(s) of the following person or persons who are named as inventors in the prior nonprovisional application but are not inventors of the invention being claimed in this application: _____.
<input type="checkbox"/> Applicant requests suspension of action under 37 CFR 1.103(b) for a period of ___ month(s) (not to exceed 3 months).
ENCLOSURES
Enclosed are:
<input checked="" type="checkbox"/> Return Receipt Postcard;
<input checked="" type="checkbox"/> Continued Prosecution Application (CPA) Request Transmittal w/certificate of Express Mailing,
<input checked="" type="checkbox"/> Preliminary Amendment (26 pp.).
<input checked="" type="checkbox"/> Seven (7) References;
<input checked="" type="checkbox"/> Declaration of Todd Bedilion (17 pp.); and
<input checked="" type="checkbox"/> Ten (10) Exhibits (Tabs A-J).

12/13/2002 AMWDAF1 00000036 090108 09840787

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CLAIMS AS FILED

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee	
						\$	740.00
Total Claims	14	-20	0	x \$18		\$	0
Indep. Claims	1	-3	0	x \$84		\$	0
Multiple Dependent Claim(s), if any				+ \$280		\$	0
Filing Fee:						\$	740.00

FEE CALCULATION AND METHOD OF PAYMENT

The Fee has been calculated as follows:

X	Fee for filing a Continued Prosecution Application (CPA) Under 37 CFR 1.16 (h):	\$	740.00
X	Please charge Deposit Account No. 09-0108 in the amount of :	\$	740.00

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account 09-0108.

The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

CORRESPONDENCE ADDRESS
(Customer No.: 27904)

INCYTE GENOMICS, INC.
Patent Department
3160 Porter Drive
Palo Alto, California 94304

Phone: (650) 855-0555
Fax: (650) 849-8886 or
(650) 845-4166

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account 09-0108. **This sheet is enclosed in duplicate.**

Respectfully submitted,

INCYTE GENOMICS, INC.

December 9, 2002
Date

Barrie D. Greene

Barrie D. Greene
Reg. No. 46,740
Direct Dial Telephone (650) 621-7576

Customer No. : 27904
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 849-8886

Docket No.: PF-0356-4 CPA

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In re Application of: Lal et al.

DEC 17 2002

Title: HUMAN REGULATORY MOLECULES

TECH CENTER 1600/2901

Serial No.: 09/840,787

Filing Date: September 26, 2001

Examiner: Slobodyansky, E.

Group Art Unit: 1652

Box CPA

Commissioner for Patents
Washington, D.C. 20231

**PRELIMINARY AMENDMENT AND SUBMISSION OF DECLARATION UNDER 37
C.F.R. § 1.132 BY TOD BEDILION FILED WITH CONTINUED PROSECUTION
APPLICATION (CPA) REQUEST UNDER 37 CFR 1.53(d)**

Sir:

This Preliminary Amendment is filed with a CONTINUED PROSECUTION APPLICATION (CPA) REQUEST, which is filed following the Final Office Action dated September 12, 2002. This Continuing Prosecution Application under 37 CFR 1.53(d) is being filed in lieu of a Response to Final Office Action.

The Preliminary Amendment is being filed to present clear and convincing evidence of the utility of the instant invention as well as arguments to overcome the other rejections set forth in the Final Office Action of September 12, 2002. This paper provides arguments in support of the patentability of the instant claims. Also submitted herewith is a Declaration of Tod Bedilion which provides additional evidence supporting the patentability of the claimed subject matter. Applicants request reconsideration of the subject application in view of the following remarks.